

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MEDITERRANEAN SHIPPING CO. S.A.
and MEDITERRANEAN SHIPPING CO.
(USA) INC.,

Plaintiff(s),

-against-

RAPID MOTOR FREIGHT, INC.,

Defendant(s).

08-cv-02366-BSJ-DFE

DEFAULT JUDGMENT
AND ORDER

_____

This action having been commenced on March 6, 2008 by the filing of the Summons and Complaint, and a copy of the Summons and Complaint in this action having been duly served on Defendant RAPID MOTOR FREIGHT, INC., on March 12, 2008, by personally delivering copies of said documents to TOM BAHR, Managing Agent, authorized by appointment and/or law to accept service on behalf of Defendant, at Defendant's principal place of business, and proof of service having been filed on March 21, 2008, and said Defendant having failed to plead or otherwise defend this action, and the time for answering the Complaint having expired, it is,

ORDERED, ADJUDGED and DECREED: That Plaintiffs have a judgment against Defendant in the liquidated amount of **\$4,920.00**, the amount claimed, plus **\$404.95** in costs, disbursements and attorney fees, amounting in all to the sum of **\$5,324.95**, plus interest at the legal rate in effect on the date of this judgment; and, that the Plaintiffs have execution therefor.

Dated: New York, NY

August 4, 2008

By: *Barbara D.J.*
U.S.D.J.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: <i>8/4/08</i>

THIS DOCUMENT WAS ENTERED
ON THE DOCKET ON _____

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MEDITERRANEAN SHIPPING CO. S.A.
and MEDITERRANEAN SHIPPING CO.
(USA) INC.,

Plaintiff(s),

-against-

RAPID MOTOR FREIGHT, INC.,

Defendant(s).

08-cv-02366-BSJ-DFE

AFFIDAVIT IN SUPPORT
OF DEFAULT

STATE OF NEW YORK)
)
COUNTY OF NEW YORK) ss.:

JORGE A. RODRIGUEZ, being duly sworn, deposes and says:

1. I am a member of the Bar of this Court and am associated with the firm of MAHONEY & KEANE, LLP, attorneys for Plaintiffs in the above-entitled action and I am familiar with all the facts and circumstances in this action.

2. I make this affidavit pursuant to Rule 55.1 and 55.2(a) of the Civil Rules for the Southern District of New York, in support of Plaintiffs' application for the entry of a default judgment against Defendant RAPID MOTOR FREIGHT INC. ("RAPID MOTOR").

3. Herewith attached are true copies of the following:

- (1). Summons and Complaint;
- (2). Affidavit of Service;
- (3). Statement of damages;
- (4). Supporting documentation;
- (5). Clerk's certificate; and

(6). Proposed default judgment and order

4. Plaintiffs commenced this action against Defendants for unpaid detention charges accrued against Defendant. (Ex. 1, 4).

5. Jurisdiction of the subject matter is based on 28 USC § 1333 and admiralty/maritime jurisdiction. (Id.).

6. This action was commenced on or about March 6, 2008 by the filing of the Summons and Complaint. (Id.). The Summons and Complaint were served on Defendant on March 12, 2008 by personally delivering said documents to TOM BAHR, Managing Agent and authorized by appointment or law to receive service of process on behalf of Defendant, at the Defendant's place of business. (Ex. 2). Proof of service by the Special Process Server was filed. (Id.).

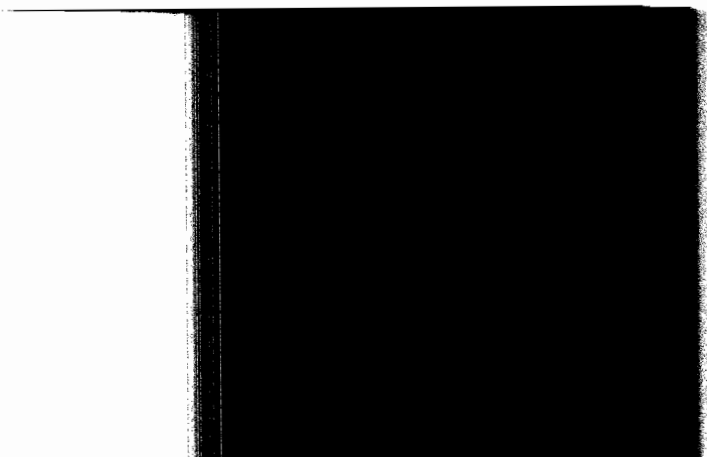
7. The undersigned spoke with Mr. BAHR on several occasions in an attempt to settle this matter without further intervention from this Court. However, the parties were unable to come to an understanding.

8. Plaintiff, thereafter, demanded that Defendant obtain counsel and interpose a responsive pleading on this matter. Defendant failed to respond to Plaintiff's request.

9. Defendant has not answered the Complaint and the time for the Defendant to answer the Complaint has expired.

10. This motion seeks judgment for the liquidated amount of \$4,920.00, plus costs, fees and disbursements in the amount of \$404.95, for a total of \$5,324.95, plus interest at the legal rate in effect in this jurisdiction. (Ex. 3).

11. The amounts demanded are justly due and owing, no part of which has been paid, though duly demanded.

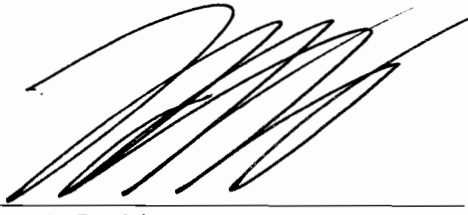


12. The Defendant is not an infant or incompetent.

13. The disbursements sought to be taxed have been made in this action or will necessarily be made herein.

WHEREFORE, Plaintiffs request the entry of Default and the entry of the annexed Judgment against Defendant.

By:


Jorge A. Rodriguez

Sworn to before me this

28th day of July, 2008



Notary Public

GARTH S. WOLFSON
NOTARY PUBLIC
State of New York No. 02WO5078941
Qualified in New York County
Term Expires

4/28/2011

STATE OF NEW YORK :
 : SS.:
COUNTY OF NEW YORK :

DONNA A. ANCONA, being duly sworn deposes and says:
I am not a party to the action, am over 18 years of age and reside
in Staten Island, New York.

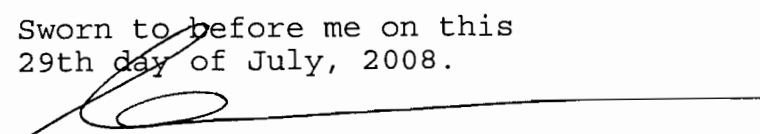
On July 29, 2008, I served a true copy of the
annexed **AFFIDAVIT IN SUPPORT OF DEFAULT**

TO: RAPID MOTOR FREIGHT, INC.
107 West Side Avenue
Jersey City, NJ 07305

by dispatching said papers, by Federal Express Priority Overnight
delivery service.


DONNA A. ANCONA

Sworn to before me on this
29th day of July, 2008.


Notary Public

GARTH S. WOLFSON
NOTARY PUBLIC
State of New York No. 02WO5078941
Qualified in New York County
Term Expires 04-28-2011

Exhibit 1



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MEDITERRANEAN SHIPPING CO. S.A.
and MEDITERRANEAN SHIPPING CO.
(USA) INC.,

Plaintiff(s),

-against-

RAPID MOTOR FREIGHT, INC.,

Defendant(s).

SUMMONS IN A CIVIL ACTION

Case No. 08 CIV

08 CV 2366

JUDGE JONES

TO: (name and address of defendants)

RAPID MOTOR FREIGHT, INC.
107 West Side Avenue
Jersey City, NJ 07305

RAPID MOTOR FREIGHT, INC.
1 Jacobus Avenue
Kearny, NJ 07032

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY
(name and address)

MAHONEY & KEANE, LLP
111 Broadway, 10th Floor
New York, NY 10006
(212) 385-1422

an answer to the complaint which is served on you with this summons, within **twenty (20)** days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

MAR 06 2008

CLERK

Marcel Quintero

DATE

DEPUTY CLERK

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JUDGE JONES

MEDITERRANEAN SHIPPING CO. S.A.
and MEDITERRANEAN SHIPPING CO.
(USA) INC.,

08 CV 2366

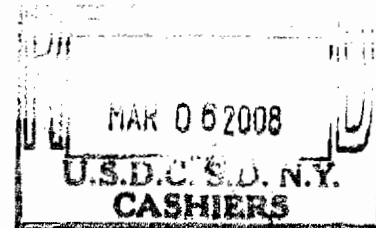
Plaintiff(s),

-against-

RAPID MOTOR FREIGHT, INC.,

Defendant(s).

COMPLAINT



PLEASE TAKE NOTICE that Plaintiff(s), MEDITERRANEAN SHIPPING CO. S.A. and MEDITERRANEAN SHIPPING CO. (USA) INC., (collectively "MSC"), by their attorneys, MAHONEY & KEANE, LLP, as and for a Complaint against Defendant(s), RAPID MOTOR FREIGHT, INC., ("RAPID MOTOR"), allege, upon information and belief, as follows:

1. This is a case of admiralty and maritime jurisdiction within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure. Jurisdiction is based upon 28 U.S.C. § 1333, as well as the Court's pendent, supplementary and ancillary jurisdiction.
2. Plaintiff MEDITERRANEAN SHIPPING CO. S.A. is a legal entity duly organized and existing pursuant to the laws of a foreign country.
3. Plaintiff MEDITERRANEAN SHIPPING CO. (USA) INC. is a legal entity duly organized and existing pursuant to the laws of the United States with offices and a place of business located in the Southern District.

4. Defendant RAPID MOTOR is a business entity organized and existing pursuant to the laws of the United States with offices and a place of business located at 1 Jacobus Avenue, Kearny, NJ 07032.

5. Defendant RAPID MOTOR is a business entity organized and existing pursuant to the laws of the United States with offices and a place of business located at 107 West Side Ave., Jersey City, NJ 07305.

6. The United States District Court for the Southern District of New York is the proper venue for this action, as Plaintiff MSC resides and/or maintains a principal place of business in the Southern District of New York.

7. Plaintiffs sue on their own behalf and as agents and trustees on behalf of any other party who may now have or hereinafter acquire an interest in this action.

AS AND FOR A FIRST CAUSE OF ACTION AGAINST DEFENDANT RAPID MOTOR

8. Plaintiff repeats and reiterates each and every allegation contained in paragraphs "1" through "7" as if specifically set forth herein at length.

9. At all times relevant herein, Defendant RAPID MOTOR entered into agreements, service contracts, contracts of affreightment, charter agreements and/or bills of lading, with Plaintiff for the carriage, storage, handling, care and/or maintenance of cargoes by Defendant.

10. Plaintiff duly performed all duties and obligations required to be performed by Plaintiff.

11. Defendant wrongfully, willfully, negligently and/or fraudulently breached the terms of the subject agreement(s) by, *inter alia*, failing to pay demurrage, detention, port fees, tariffs and other associated costs.

12. As a result of Defendant's breach of the subject agreements and Plaintiff has incurred, and will continue to incur, costs and expenses for which Defendant is liable under the terms of the agreements and at law.

13. Plaintiff has placed Defendant on notice of its claim that Defendant has breached the subject agreements and violated Plaintiff's rights under the law.

14. Despite Plaintiff's repeated demands, Defendant has failed to pay the Plaintiff's damages due and owing under the agreements and at law.

15. By reason of the foregoing, Plaintiff has sustained damages in the amount of \$4,920.00, together with interest, costs, fees, and expenses.

AS AND FOR A SECOND CAUSE OF ACTION AGAINST DEFENDANT RAPID

MOTOR

16. Plaintiff repeats and reiterates each and every allegation contained in paragraphs "1" through "15" as if specifically set forth herein at length.

17. Defendant has an account stated with the Plaintiff.

18. By reason of the foregoing, Plaintiff has sustained damages in the amount of \$4,920.00, together with interest, costs, fees, and expenses.

AS AND FOR A THIRD CAUSE OF ACTION AGAINST DEFENDANT RAPID MOTOR

19. Plaintiff repeats and reiterates each and every allegation contained in paragraphs "1" through "18" as if specifically set forth herein at length.

20. Plaintiff is due from Defendant the quantum meruit of Plaintiff's services.

WHEREFORE, Plaintiff prays:

(A). that judgment be entered in favor of Plaintiff for an amount exceeding **four thousand nine hundred and twenty dollars** \$4,920.00, plus interest, fees, including attorneys' fees, costs, and disbursements;

(B). that Court process be issued against the Defendant; and

(C). that Plaintiff be granted such other and further relief as the Court may deem just and proper.

Dated: New York, New York

March 5, 2008

MAHONEY & KEANE, LLP

Attorneys for Plaintiffs

MEDITERRANEAN SHIPPING CO. S.A. and
MEDITERRANEAN SHIPPING CO. (USA)
INC.

By: 

Jorge A. Rodriguez (JR 2162)

111 Broadway, Tenth Floor

New York, New York 10006

Tel (212) 385-1422

Fax (212) 385-1605

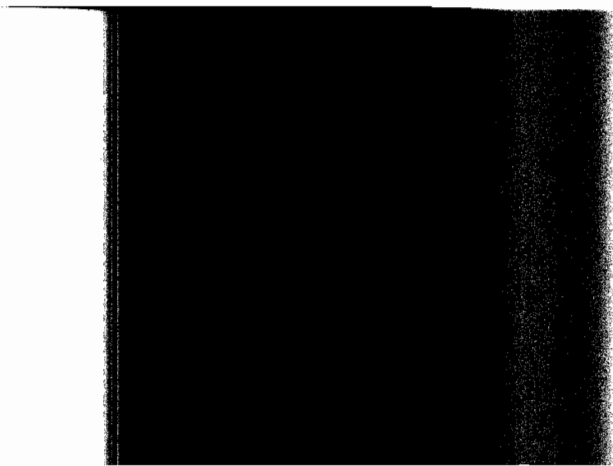
Our File No. 12/3522/B/08/1

SERVICE LIST

RAPID MOTOR FREIGHT, INC.
107 West Side Avenue
Jersey City, NJ 07305

RAPID MOTOR FREIGHT, INC.
1 Jacobus Avenue
Kearny, NJ 07032

Exhibit 2





AO 440 (Rev. 10/93) Summons in a Civil Action

RETURN OF SERVICE

SERVICE OF: **SUMMONS AND COMPLAINT**
EFFECTED (1) BY ME: **GEORGE GENCARELLI**
TITLE: **PROCESS SERVER**

DATE: 03/12/2008 01:38PM

CHECK ONE BOX BELOW TO INDICATE APPROPRIATE METHOD OF SERVICE:

☐ Served personally upon the defendant:

RAPID MOTOR FREIGHT INC.

Place where served:

107 WESTSIDE AVENUE JERSEY CITY NJ 07305

☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:

TOM BAHR

Relationship to defendant: MANAGING AGENT

Description of person accepting service:

SEX: M AGE: 36-50 HEIGHT: 5'9"-6'0" WEIGHT: 161-200 LBS. SKIN: WHITE HAIR: BROWN OTHER: GOATEE

☒ To the best of my knowledge, said person was not engaged in the U.S. Military at the time of service

STATEMENT OF SERVER

TRAVEL \$ _____

SERVICES \$ _____

TOTAL \$ _____

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in this Return of Service and Statement of Server is true and correct.

DATE: 03/12/2008

L.S.
SIGNATURE OF GEORGE GENCARELLI
GUARANTEED SUBPOENA SERVICE, INC.
2009 MORRIS AVENUE
UNION, NJ 07083

03-12-08
J. S. Velez

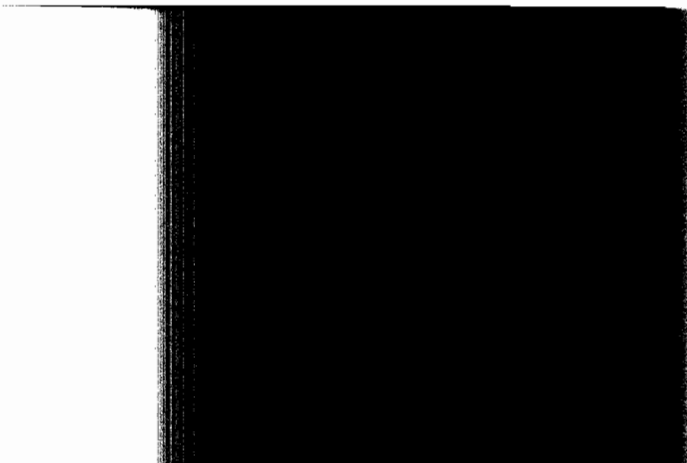
ATTORNEY: JORGE A. RODRIGUEZ, ESQ.
PLAINTIFF: MEDITERRANEAN SHIPPING CO SA, ET AL
DEFENDANT: RAPID MOTOR FREIGHT INC.
VENUE: SOUTHERN DIST OF NY
DOCKET: 08 CV 2366

JANIRA SANTIAGO VELEZ
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires April 24, 2012

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

TZ

Exhibit 3



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MEDITERRANEAN SHIPPING CO. S.A.
and MEDITERRANEAN SHIPPING CO.
(USA) INC.,

Plaintiff(s),

-against-

RAPID MOTOR FREIGHT, INC.,

Defendant(s).

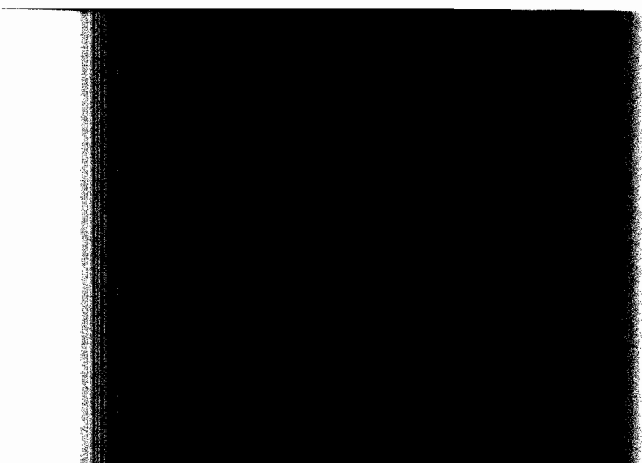
08-cv-02366-BSJ-DFE

STATEMENT OF DAMAGES

Principal claim.....	\$4,920.00
Costs and Disbursements:	
Clerk’s filing fee.....	\$350.00
Process server fee.....	\$54.95
Total.....	\$5,324.95



Exhibit 4



11/5/2007



Mediterranean Shipping Company (USA) Inc.
420 Fifth Avenue
New York, NY 10018 - 2709

Account Number: PDRPMF

Statement date: 11/5/2007

Per diem statement.

Account	Statement date	Outstanding
PDRPMF	11/5/2007	\$4,920.00

RAPID MOTOR FREIGHT, INC.
107 West Side Ave
Jersey City, NJ 07305

Page 1 of 1

11/5/2007

Account Number: PDRPMF

Mediterranean Shipping Company (USA) Inc.

<u>Inv Date</u>	<u>Inv Number</u>	<u>Dr Amount</u>	<u>Cr Amount</u>	<u>#</u>	<u>Outstanding</u>	<u>0-60</u>	<u>61-999</u>
27-Sep-06	NYC9060944154X	\$880.00			\$880.00		\$880.00
22-Jun-06	NYC9060680181X	\$380.00			\$380.00		\$380.00
23-May-06	NYC9060524495X	\$3,260.00			\$3,260.00		\$3,260.00
24-Apr-06	NYC9060475657X	\$400.00			\$400.00		\$400.00
<u>Total:</u>		<u>\$4,920.00</u>			<u>\$4,920.00</u>		<u>\$4,920.00</u>

Any invoice over 60 days is seriously overdue. If payment is not made within ten days, your trucks will be restricted from further pickup without any further notice. If you have any questions concerning your account, please call Per Diem Department at 212 7644800.

If payment was made within the last 15 days, please disregard this notice.

Invoice Number: NYC9060475657X
Account Number: PDRPMPF

<u>EqNumber</u>	<u>EqType</u>	<u>SVC#</u>	<u>Bk#-Sh/Co</u>	<u>DateFrom-DateToTerminal</u>	<u>td</u>	<u>ld</u>	<u>td</u>	<u>er</u>	<u>ed</u>	<u>et</u>	<u>xt</u>	<u>xd</u>	<u>xt</u>	<u>valuedoc</u>
CRLU3104294	20' Reefer		EXPORT PACKERS COMPANY LIMITED P	03/07/06 - 03/14/06	8	4	4	100.00	4	400.00	150.00	0	0.00	\$400.00
														\$400.00
														\$400.00



Container History Inquiry

Enter the number then click Search.

Equipment: CRLU310429

Search

Clear

Container Holds Hazards Over Dimensions Reefer Information Master Notifications

		Previous	
Equipment Status			
Container:	CRLU310429-4	LHT:	20' 8'6" Reefer
SSL Owner:	Msc	SSL User:	Msc
Status:	Import	Service:	House To House
Tare Weight:	6600 L	Gross Weight:	1 L
Lease:			
Holds:	No	Hazards:	No
OD:	No	Pretrip/Reefer:	Yes
Seal 1:	1054486	Seal 2:	
Seal 3:		Seal 4:	
Days On Terminal:	5	Remarks:	
Chassis:	TLXZ20LXZ2	Genset:	NONE
OOS Date:		Stuffed Date:	
Booking Information			
Booking:		Booking SSL:	
Booking LHT:			
Yard Activity			
Date Received:	03.03.2006 06:51:35	Mode Received:	Vessel
Vessel:	Saf Illovo	Voyage:	5R
Port Of Loading:	Port Elizabeth, South Africa	Port Of Discharge:	
Port Of Dispatch:		Port Of Destination:	
Date Delivered:	03.07.2006 14:37:15	Mode Delivered:	Truck
Visit:	2235981	Reference:	7003
Trucker:	Rapid Motor Freight, Inc.	Sealink:	Moses O Hernandez
Yard Location			
Location Type:	SLOTLINE		
L1:	200	L2:	
L3:		L4:	

<https://ctmscsp.maherterminals.com/maherwebapp/containerHistoryAction.do?index=1&c...> 5/12/2008

Invoice Number: NYC9060524495X
Account Number: PDRPFMF

<u>EqNumber</u>	<u>EqType</u>	<u>SVC#</u>	<u>Bk#/Sh/Co</u>	<u>DateFrom-DateTo</u>	<u>Terminal</u>	<u>td</u>	<u>lf</u>	<u>ld</u>	<u>lbd</u>	<u>er</u>	<u>ed</u>	<u>et</u>	<u>xt</u>	<u>xd</u>	<u>xt</u>	<u>valuedoc</u>
CRXU2772043	20' Dry Van (8/6)		REMA FOODS INC	04/13/06 - 04/26/06	Maier Terminal - Fleet	14	7	7	40.00	5	200.00	80.00	2	160.00		\$360.00
GSTU2981225	20' Dry Van (8/6)		REMA FOODS, INC	04/05/06 - 04/20/06	Maier Terminal - Fleet	16	6	10	40.00	5	200.00	80.00	5	400.00		\$600.00
GSTU3177393	20' Dry Van (8/6)		REMA FOODS, INC	04/05/06 - 04/20/06	Maier Terminal - Fleet	16	6	10	40.00	5	200.00	80.00	5	400.00		\$600.00
MSCU1272777	20' Dry Van (8/6)		REMA FOODS, INC	04/05/06 - 04/21/06	Maier Terminal - Fleet	17	6	11	40.00	5	200.00	80.00	6	480.00		\$680.00
MSCU2035614	20' Dry Van (8/6)		REMA FOODS INC	04/17/06 - 04/26/06	Maier Terminal - Fleet	10	4	6	40.00	5	200.00	80.00	1	80.00		\$280.00
TRU6202399	20' Reefer		GLOBAL NATURAL FOODS INC	04/21/06 - 04/28/06	Maier Terminal - Fleet	8	6	2	100.00	2	200.00	150.00	0	0.00		\$200.00
TRLU5753370	40' High Cube		MIA054550-ALFA CARGO	04/07/06 - 04/18/06	Maier Terminal - Fleet	12	6	6	80.00	5	400.00	140.00	1	140.00		\$340.00
																<u>\$3,260.00</u>
																<u>\$3,260.00</u>



Container History Inquiry

Enter the number then click Search.

Equipment: CRXU277204

Search

Clear

Container Holds Hazards Over Dimensions Reefer Information Master Notifications

		Previous	
Equipment Status			
Container:	CRXU277204-3	LHT:	20' 8'6" Dry
SSL Owner:	Msc	SSL User:	Msc
Status:	Import	Service:	House To House
Tare Weight:	5300 L	Gross Weight:	20643 K
Lease:			
Holds:	No	Hazards:	No
OD:	No	Pretrip/Reefer:	No
Seal 1:	3228439	Seal 2:	
Seal 3:		Seal 4:	
Days On Terminal:	7	Remarks:	
Chassis:	KKLZ201249	Genset:	
OOS Date:		Stuffed Date:	
Booking Information			
Booking:		Booking SSL:	
Booking LHT:			
Yard Activity			
Date Received:	04.07.2006 18:55:20	Mode Received:	Vessel
Vessel:	Msc Fribourg	Voyage:	551A
Port Of Loading:	Porto Santo Island, Portugal	Port Of Discharge:	
Port Of Dispatch:		Port Of Destination:	
Date Delivered:	04.13.2006 10:51:23	Mode Delivered:	Truck
Visit:	2411310	Reference:	3862
Trucker:	Rapld Motor Freight, Inc.	Sealink:	
Yard Location			
Location Type:	SLOTLINE		
L1:	300	L2:	
L3:		L4:	

<https://ctmscsp.maherterminals.com/maherwebapp/containerHistoryAction.do?index=1&c...> 5/12/2008



Home Import Export Data Containers Containers & Equipment Administrative OIS

Container History Inquiry

Enter the number then click Search.

Equipment: GSTU298122

Search

Clear

Container Holds Hazards Over Dimensions Reefer Information Master Notifications

		Previous	
Equipment Status			
Container:	GSTU298122-5	LHT:	20' 8'6" Dry
SSL Owner:	Msc	SSL User:	Msc
Status:	Import	Service:	House To House
Tare Weight:	5300 L	Gross Weight:	19400 K
Lease:			
Holds:	No	Hazards:	No
OD:	No	Pretrip/Reefer:	No
Seal 1:	3228284	Seal 2:	
Seal 3:		Seal 4:	
Days On Terminal:	7	Remarks:	
Chassis:	TLXZ210339	Genset:	
OOS Date:		Stuffed Date:	
Booking Information			
Booking:		Booking SSL:	
Booking LHT:			
Yard Activity			
Date Received:	03.30.2006 18:17:21	Mode Received:	Vessel
Vessel:	Msc China	Voyage:	338A
Port Of Loading:	Porto Santo Island, Portugal	Port Of Discharge:	
Port Of Dispatch:		Port Of Destination:	
Date Delivered:	04.05.2006 16:21:56	Mode Delivered:	Truck
Visit:	2372671	Reference:	8030
Trucker:	Rapld Motor Freight, Inc.	Sealink:	Edgar V Gavilanes
Yard Location			
Location Type:	SLOTLINE		
L1:	100	L2:	
L3:		L4:	



Container History Inquiry

Enter the number then click Search.

Equipment: GSTU317759

Search

Clear

Container Holds Hazards Over Dimensions Reefer Information Master Notifications

Equipment Status		Previous	
Container:	GSTU317759-3	LHT:	20' 8'6" Dry
SSL Owner:	Msc	SSL User:	Msc
Status:	Import	Service:	House To House
Tare Weight:	5300 L	Gross Weight:	19240 K
Lease:			
Holds:	No	Hazards:	No
OD:	No	Pretrip/Reefer:	No
Seal 1:	3228351	Seal 2:	
Seal 3:		Seal 4:	
Days On Terminal:	7	Remarks:	
Chassis:	YMLZ230085	Genset:	
OOS Date:		Stuffed Date:	
Booking Information			
Booking:		Booking SSL:	
Booking LHT:			
Yard Activity			
Date Received:	03.30.2006 18:16:05	Mode Received:	Vessel
Vessel:	Msc China	Voyage:	338A
Port Of Loading:	Porto Santo Island, Portugal	Port Of Discharge:	
Port Of Dispatch:		Port Of Destination:	
Date Delivered:	04.05.2006 13:20:20	Mode Delivered:	Truck
Visit:	2371474	Reference:	5765
Trucker:	Rapid Motor Freight, Inc.	Sealink:	
Yard Location			
Location Type:	SLOTLINE		
L1:	100	L2:	
L3:		L4:	



Home Import Export General Equipment Maintenance Administrative 015

Container History Inquiry

Enter the number then click Search.

Equipment: MSCU127277

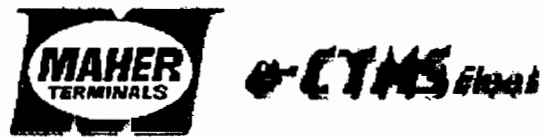
Search

Clear

Container Holds Hazards Over Dimensions Reefer Information Master Notifications

		Previous	
Equipment Status			
Container:	MSCU127277-7	LHT:	20' 8'6" Dry
SSL Owner:	Msc	SSL User:	Msc
Status:	Import	Service:	House To House
Tare Weight:	5300 L	Gross Weight:	19080 K
Lease:			
Holds:	No	Hazards:	No
OD:	No	Pretrip/Reefer:	No
Seal 1:	Y057310	Seal 2:	
Seal 3:		Seal 4:	
Days On Terminal:	7	Remarks:	
Chassis:	TAXZ215065	Genset:	
OOS Date:		Stuffed Date:	
Booking Information			
Booking:		Booking SSL:	
Booking LHT:			
Yard Activity			
Date Received:	03.30.2006 18:12:36	Mode Received:	Vessel
Vessel:	Msc China	Voyage:	338A
Port Of Loading:	Porto Santo Island, Portugal	Port Of Discharge:	
Port Of Dispatch:		Port Of Destination:	
Date Delivered:	04.05.2006 12:02:48	Mode Delivered:	Truck
Visit:	2370959	Reference:	4805
Trucker:	Rapid Motor Freight, Inc.	Sealink:	Jose S Paredes
Yard Location			
Location Type:	SLOTLINE		
L1:	100	L2:	
L3:		L4:	

<https://ctmscsp.maherterminals.com/maherwebapp/containerHistoryAction.do?index=1&c...> 5/12/2008



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Enter the number then click Search.

Equipment: MSCU203561

Search

Clear

Container Holds Hazards Over Dimensions Reefer Information Master Notifications

Previous			
Equipment Status			
Container:	MSCU203561-4	LHT:	20' 8'6" Dry
SSL Owner:	Msc	SSL User:	Msc
Status:	Import	Service:	House To House
Tare Weight:	5300 L	Gross Weight:	20607 K
Lease:			
Holds:	No	Hazards:	No
OD:	No	Pretrip/Reefer:	No
Seal 1:	15413	Seal 2:	
Seal 3:		Seal 4:	
Days On Terminal:	7	Remarks:	
Chassis:	TLXZ201576	Genset:	
OOS Date:		Stuffed Date:	
Booking Information			
Booking:		Booking SSL:	
Booking LHT:			
Yard Activity			
Date Received:	04.11.2006 01:00:51	Mode Received:	Vessel
Vessel:	Msc Samia	Voyage:	84A
Port Of Loading:	Porto Santo Island, Portugal	Port Of Discharge:	
Port Of Dispatch:		Port Of Destination:	
Date Delivered:	04.17.2006 12:46:40	Mode Delivered:	Truck
Visit:	2419590	Reference:	6400
Trucker:	Rapid Motor Freight, Inc.	Sealink:	Edgar V Gavilanes
Yard Location			
Location Type:	SLOTLINE		
L1:	100	L2:	
L3:		L4:	





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Container History Inquiry

Enter the number then click Search.

Equipment: TRIU620239

Search

Clear

Container Holds Hazards Over Dimensions Reefer Information Master Notifications

		Previous	
Equipment Status			
Container:	TRIU620239-9	LHT:	20' 8'6" Reefer
SSL Owner:	Msc	SSL User:	Msc
Status:	Import	Service:	House To House
Tare Weight:	6600 L	Gross Weight:	18200 K
Lease:			
Holds:	No	Hazards:	No
OD:	No	Pretrip/Reefer:	Yes
Seal 1:	1461466	Seal 2:	
Seal 3:		Seal 4:	
Days On Terminal:	7	Remarks:	
Chassis:	YMLZ230850	Genset:	TAXG594701
OOS Date:		Stuffed Date:	
Booking Information			
Booking:		Booking SSL:	
Booking LHT:			
Yard Activity			
Date Received:	04.15.2006 17:29:05	Mode Received:	Vessel
Vessel:	Msc Zurich	Voyage:	602R
Port Of Loading:	Capetown, South Africa	Port Of Discharge:	
Port Of Dispatch:		Port Of Destination:	
Date Delivered:	04.21.2006 14:20:05	Mode Delivered:	Truck
Visit:	2445507	Reference:	6561
Trucker:	Rapid Motor Freight, Inc.	Sealink:	Moises O Hernandez
Yard Location			
Location Type:	SLOTLINE		
L1:	400	L2:	
L3:		L4:	

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Enter the number then click Search.

Equipment:

Container Holds Hazards Over Dimensions Reefer Information Master Notifications

Previous / Next			
Equipment Status			
Container:	TRLU575337-0	LHT:	40' 9'6" Dry
SSL Owner:	Msc	SSL User:	Msc
Status:	Empty	Service:	
Tare Weight:	8642 L	Gross Weight:	8642 L
Lease:			
Holds:	No	Hazards:	No
OD:	No	Pretrip/Reefer:	No
Seal 1:		Seal 2:	
Seal 3:		Seal 4:	
Days On Terminal:	1	Remarks:	
Chassis:	EMCZ740594	Genset:	
OOS Date:		Stuffed Date:	
Booking Information			
Booking:	MIA054550	Booking SSL:	Med Shipping Company
Booking LHT:	40' 9'6" Dry		
Yard Activity			
Date Received:	04.07.2006 14:17:53	Mode Received:	Truck
Visit:	2386167	Reference:	9503
Trucker:	Iq Logistic Llc	Sealink:	Jose R Ruiz
Date Delivered:	04.07.2006 14:43:05	Mode Delivered:	Truck
Visit:	2386234	Reference:	9607
Trucker:	Rapid Motor Freight, Inc.	Sealink:	
Yard Location			
Location Type:	HEAP		
L1:	C100	L2:	
L3:		L4:	

Invoice Number: NYC9060944154X
Account Number: PDRPMF

[illegible]



Home Import Export Gate Equipment Containers Credit Card Payments Administrative CUS

Container History Inquiry

Enter the number then click Search.

Equipment: MSCU117713

Search

Clear

Container Holds Hazards Over Dimensions Reefer Information Master Notifications

		Previous	
Equipment Status			
Container:	MSCU117713-1	LHT:	20' 8'6" Dry
SSL Owner:	Msc	SSL User:	Msc
Status:	Import	Service:	House To House
Tare Weight:	5300 L	Gross Weight:	50706 L
Lease:			
Holds:	No	Hazards:	No
OD:	No	Pretrip/Reefer:	No
Seal 1:	000702	Seal 2:	
Seal 3:		Seal 4:	
Days On Terminal:	4	Remarks:	
Chassis:	CCLZ200797	Genset:	
OOS Date:		Stuffed Date:	
Booking Information			
Booking:		Booking SSL:	
Booking LHT:			
Yard Activity			
Date Received:	08.12.2006 08:02:33	Mode Received:	Vessel
Vessel:	Msc Boston	Voyage:	94R
Port Of Loading:	Buenos Aires, Argentina	Port Of Discharge:	
Port Of Dispatch:		Port Of Destination:	
Date Delivered:	08.15.2006 21:29:11	Mode Delivered:	Truck
Visit:	2991808	Reference:	12535
Trucker:	Rapid Motor Freight, Inc.	Sealink:	
Yard Location			
Location Type:	SLOTLINE		
L1:	400	L2:	
L3:		L4:	



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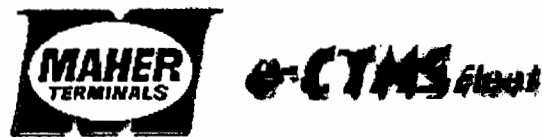
Container History Inquiry

Enter the number then click Search.

Equipment:	MSCU194064	<input type="button" value="Search"/>
		<input type="button" value="Clear"/>

Container Holds Hazards Over Dimensions Reefer Information Master Notifications

		Previous / Next	
Equipment Status			
Container:	MSCU194064-4	LHT:	20' 8'6" Dry
SSL Owner:	Msc	SSL User:	Msc
Status:	Import	Service:	House To House
Tare Weight:	5300 L	Gross Weight:	50706 L
Lease:			
Holds:	No	Hazards:	No
OD:	No	Pretrip/Reefer:	No
Seal 1:	0012674	Seal 2:	BY48022
Seal 3:		Seal 4:	
Days On Terminal:	6	Remarks:	
Chassis:	EMCZ720544	Genset:	
OOS Date:		Stuffed Date:	
Booking Information			
Booking:		Booking SSL:	
Booking LHT:			
Yard Activity			
Date Received:	08.12.2006 07:26:47	Mode Received:	Vessel
Vessel:	Msc Boston	Voyage:	94R
Port Of Loading:	Buenos Aires, Argentina	Port Of Discharge:	
Port Of Dispatch:		Port Of Destination:	
Date Delivered:	08.17.2006 14:11:06	Mode Delivered:	Truck
Visit:	3002826	Reference:	7962
Trucker:	Rapid Motor Freight, Inc.	Sealink:	Luis E Fajardo
Yard Location			
Location Type:	SLOTLINE		
L1:	400	L2:	
L3:		L4:	



Container History Inquiry

Enter the number then click Search.

Equipment: MSCU394958

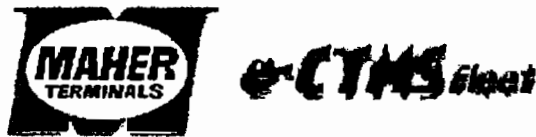
Search

Clear

Container Holds Hazards Over Dimensions Reefer Information Master Notifications

Previous

Equipment Status			
Container:	MSCU394958-0	LHT:	20' 8'6" Dry
SSL Owner:	Msc	SSL User:	Msc
Status:	Import	Service:	House To House
Tare Weight:	5300 L	Gross Weight:	50486 L
Lease:			
Holds:	No	Hazards:	No
OD:	No	Pretrip/Reefer:	No
Seal 1:	0012680	Seal 2:	
Seal 3:		Seal 4:	
Days On Terminal:	5	Remarks:	
Chassis:	MSCZ242168	Genset:	
OOS Date:		Stuffed Date:	
Booking Information			
Booking:		Booking SSL:	
Booking LHT:			
Yard Activity			
Date Received:	08.11.2006 23:38:11	Mode Received:	Vessel
Vessel:	Msc Boston	Voyage:	94R
Port Of Loading:	Buenos Aires, Argentina	Port Of Discharge:	
Port Of Dispatch:		Port Of Destination:	
Date Delivered:	08.15.2006 19:05:03	Mode Delivered:	Truck
Visit:	2991534	Reference:	11948
Trucker:	Rapid Motor Freight, Inc.	Sealink:	Jorge A Lainez Jr.
Yard Location			
Location Type:	SLOTLINE		
L1:	400	L2:	
L3:		L4:	



Container History Inquiry

Enter the number then click Search.

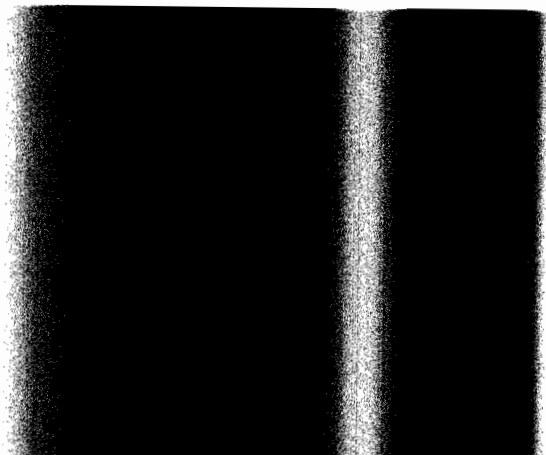
Equipment: MSCU671962

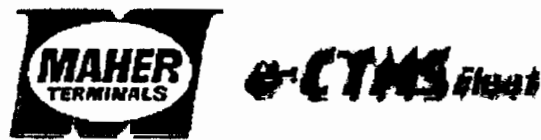
Search

Clear

Container Holds Hazards Over Dimensions Reefer Information Master Notifications

Previous			
Equipment Status			
Container:	MSCU671962-0	LHT:	20' 8'6" Dry
SSL Owner:	Msc	SSL User:	Msc
Status:	Import	Service:	House To House
Tare Weight:	5300 L	Gross Weight:	50486 L
Lease:			
Holds:	No	Hazards:	No
OD:	No	Pretrip/Reefer:	No
Seal 1:	012665	Seal 2:	
Seal 3:		Seal 4:	
Days On Terminal:	5	Remarks:	
Chassis:	TAXZ212215	Genset:	
OOS Date:		Stuffed Date:	
Booking Information			
Booking:		Booking SSL:	
Booking LHT:			
Yard Activity			
Date Received:	08.12.2006 08:02:39	Mode Received:	Vessel
Vessel:	Msc Boston	Voyage:	94R
Port Of Loading:	Buenos Aires, Argentina	Port Of Discharge:	
Port Of Dispatch:		Port Of Destination:	
Date Delivered:	08.16.2006 18:48:59	Mode Delivered:	Truck
Visit:	2997943	Reference:	11767
Trucker:	Rapid Motor Freight, Inc.	Sealink:	
Yard Location			
Location Type:	SLOTLINE		
L1:	400	L2:	
L3:		L4:	





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Enter the number then click Search.

Equipment: MSCU676725

Search

Clear

Container Holds Hazards Over Dimensions Reefer Information Master Notifications

Previous			
Equipment Status			
Container:	MSCU676725-4	LHT:	20' 8'6" Dry
SSL Owner:	Msc	SSL User:	Msc
Status:	Import	Service:	House To House
Tare Weight:	5300 L	Gross Weight:	50486 L
Lease:			
Holds:	No	Hazards:	No
OD:	No	Pretrip/Reefer:	No
Seal 1:	0012605	Seal 2:	
Seal 3:		Seal 4:	
Days On Terminal:	5	Remarks:	
Chassis:	CCLZ200705	Genset:	
OOS Date:		Stuffed Date:	
Booking Information			
Booking:		Booking SSL:	
Booking LHT:			
Yard Activity			
Date Received:	08.12.2006 07:23:34	Mode Received:	Vessel
Vessel:	Msc Boston	Voyage:	94R
Port Of Loading:	Buenos Aires, Argentina	Port Of Discharge:	
Port Of Dispatch:		Port Of Destination:	
Date Delivered:	08.16.2006 14:35:38	Mode Delivered:	Truck
Visit:	2995734	Reference:	7360
Trucker:	Rapid Motor Freight, Inc.	Sealink:	
Yard Location			
Location Type:	SLOTLINE		
L1:	400	L2:	
L3:		L4:	



Container History Inquiry

Enter the number then click Search.

Equipment: GCEU295792

Search

Clear

Container Holds Hazards Over Dimensions Reefer Information Master Notifications

		Previous	
Equipment Status			
Container:	GCEU295792-9	LHT:	20' 8'6" Reefer
SSL Owner:	Msc	SSL User:	Msc
Status:	Import	Service:	House To House
Tare Weight:	6600 L	Gross Weight:	19600 K
Lease:			
Holds:	No	Hazards:	No
OD:	No	Pretrip/Reefer:	Yes
Seal 1:	1466927	Seal 2:	
Seal 3:		Seal 4:	
Days On Terminal:	7	Remarks:	
Chassis:	FLXZ202379	Genset:	MSCG121634
OOS Date:		Stuffed Date:	
Booking Information			
Booking:		Booking SSL:	
Booking LHT:			
Yard Activity			
Date Received:	05.03.2006 18:29:23	Mode Received:	Vessel
Vessel:	Msc Zrin	Voyage:	553R
Port Of Loading:	Port Elizabeth, South Africa	Port Of Discharge:	
Port Of Dispatch:		Port Of Destination:	
Date Delivered:	05.09.2006 16:50:50	Mode Delivered:	Truck
Visit:	2529841	Reference:	10060
Trucker:	Rapid Motor Freight, Inc.	Sealink:	
Yard Location			
Location Type:	SLOTLINE		
L1:	400	L2:	
L3:		L4:	



Home Import Export Gate Equipment Queue Payments Administrative C

Container History Inquiry

Enter the number then click Search.

Equipment: MSCU247138

Search

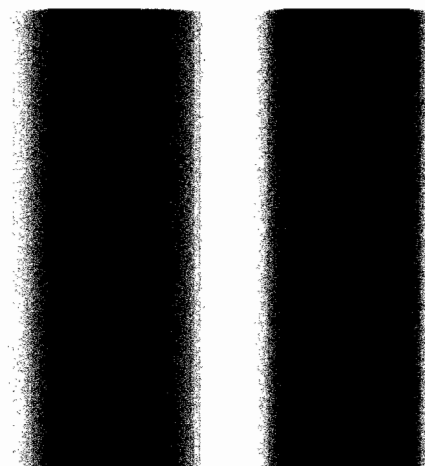
Clear

Container Holds Hazards Over Dimensions Reefer Information Master Notifications

		Previous / Next	
Equipment Status			
Container:	MSCU247138-8	LHT:	20' 8'6" Dry
SSL Owner:	Msc	SSL User:	Msc
Status:	Import	Service:	House To House
Tare Weight:	5300 L	Gross Weight:	20353 K
Lease:			
Holds:	No	Hazards:	No
OD:	No	Pretrip/Reefer:	No
Seal 1:	0015511	Seal 2:	
Seal 3:		Seal 4:	
Days On Terminal:	6	Remarks:	
Chassis:	EMCZ161007	Genset:	
OOS Date:		Stuffed Date:	
Booking Information			
Booking:		Booking SSL:	
Booking LHT:			
Yard Activity			
Date Received:	04.22.2006 19:41:26	Mode Received:	Vessel
Vessel:	Msc Elena	Voyage:	14A
Port Of Loading:	Porto Santo Island, Portugal	Port Of Discharge:	
Port Of Dispatch:		Port Of Destination:	
Date Delivered:	04.27.2006 12:36:20	Mode Delivered:	Truck
Visit:	2472934	Reference:	5826
Trucker:	Rapid Motor Freight, Inc.	Sealink:	Edgar V Gavilanes
Yard Location			
Location Type:	SLOTLINE		
L1:	100	L2:	
L3:		L4:	

<https://ctmscsp.maherterminals.com/maherwebapp/containerHistoryAction.do?index=1&c...> 5/12/2008

Exhibit 5



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MEDITERRANEAN SHIPPING CO. S.A.
and MEDITERRANEAN SHIPPING CO.
(USA) INC.,

Plaintiff(s),

-against-

RAPID MOTOR FREIGHT, INC.,

Defendant(s).

08-cv-02366-BSJ-DFE

CLERK'S CERTIFICATE

I, J. MICHAEL MCMAHON, Clerk of the United States District Court for the Southern District of New York, do hereby certify that this action commenced on March 6, 2008 with the filing of a summons and complaint, a copy of the summons and complaint was served on defendants RAPID MOTOR FREIGHT, INC., by personally serving TOM BAHR, authorized by appointment or law to receive service of process, at defendants' place of business, and proof of such service thereof was filed on March 21, 2008.

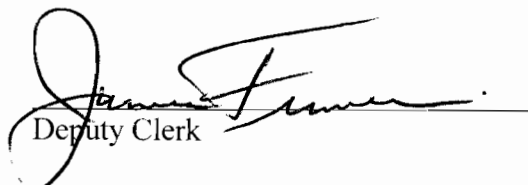
I further certify that the docket entries indicate that the defendants have not filed an answer or otherwise moved with respect to the complaint herein. The default of the defendants is hereby noted.

Dated: New York, New York

July 17, 2008

J. MICHAEL MCMAHON
Clerk of the Court

By:


Deputy Clerk

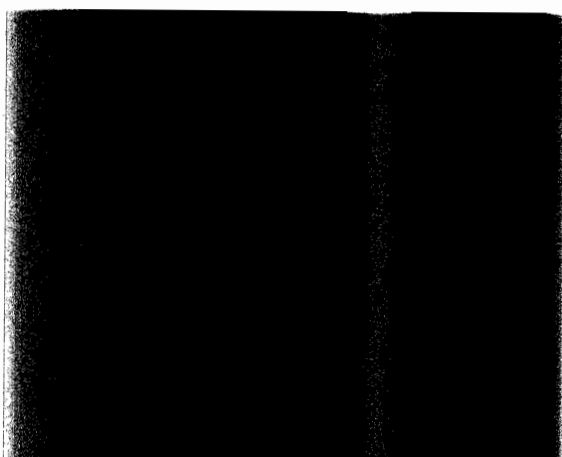


Exhibit 6